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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/457,068	12/07/99	BERMUDEZ	J 4203-P

TM02/0828

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EXAMINER

DELA TORRE, C

ART UNIT	PAPER NUMBER
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2173

DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

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Office Action Summary

Application No.

09/457,068

Applicant(s)

BERMUDEZ ET AL.

Examiner

Crescelle N dela Torre

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-57 is/are pending in the application.
- 4a) Of the above claim(s) 57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Prior Art, filed on 12/7/99, and Election, filed on 6/6/01.

Claims 31-57 are pending in this application. Claim 31 is the sole independent claim.

In the Election, filed on 6/6/01, applicant canceled claims 1-30. Should claim 57 also be canceled, since claim 57 is grouped with Invention I?

The present title of the invention is "Method and Apparatus for Monitoring Dynamic Systems Using N-Dimensional Representations of Critical Functions".

Election

1. Claim 57 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.
2. Applicant's election without traverse of Invention V, comprised of claims 31-56, in Paper No. 7 is acknowledged.

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 31-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al (U.S. patent 5,121,469) in view of Zimmer (U.S. patent 5,796,398).

As per claim 31, Richards et al, hereinafter Richards, teach the following:

(A) an information environment, at figure 12;

(B) a framework within the environment, at column 17, lines 4-5; and

(C) an object located about the framework, wherein the object is correlated with data, at figure 12, with P1-P9, and column 14, lines 3-5, 28-37.

However, Richards does not specifically teach an audible sound associated with the object.

On the other hand, it is known in the art that audio information can be associated with an object. For instance, Zimmer teaches large amounts of information can be conveyed to a computer user via graphic icons or objects, at column 2, lines 6-8. In addition, Zimmer describes at column 4, lines 64-67, that an "icon can contain a graphical representation of a speaker, which can be activated by the user to allow the computer to relay recorded sound to the user".

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to associate audio information with an object because it provides additional information to a user.

Richards inherently teaches a natural dynamic system [claim 32] and an artificial dynamic system [claim 33] at figures 2, 3.

As to claim 34, Richards teaches sensor presented information, at figure 2, and column 7, lines 8-10.

Regarding claim 35, Richards teaches a measurement of interaction between one or more vital signs of the system, at figure 12.

As per claim 36, Richards describes mapping system data, with mapping means 16b, at figure 1, and column 6, lines 40-42.

As to claim 37, Richards teaches a relationship between a data object and expected data, at column 13, lines 1-9.

In addition, Richards shows objects within health [claim 38] and life [claim 39] spaces, at figure 12.

Regarding claim 40, Richards teaches data attributes, such as color and hue, at column 4, line 55 to column 5, line 5.

As to claim 41, Richards shows a 3-D shape correlation, at figure 12.

As per claim 42, Richards shows a major and minor axis for the object, including a length dimension for the minor axis, at figure 14, and column 4, lines 60-61.

In addition, Richards teaches 3-D shape changes [claim 43], attribute changes [claim 44], and axes changes [claim 45], at figure 15, and column 20, lines 3-15, which describes that the system "involves a cycle in which the system produces a display, that display is perceived by the analyst, the analyst adjusts the operation of the system, and the system in response adjusts its display to present a new display".

As per claim 46, Richards shows a time reference axis, at figure 14.

Regarding claims 47-49, Richards teaches that a user can change the viewpoint, at block 230, in figure 15, and column 20, lines 61-63.

As to claim 50, Richards teaches a zoom in and out operation, at block 234, in figure 15.

As per claim 51, Richards inherently teaches a history display, at column 20, lines 56-57.

Regarding claim 52, Richards describes display customization, with block 226, at figure 15, and column 20, lines 59-60.

Richards teaches object storage [claim 53] with memory 14, at figure 1.

In addition, Richards teaches changing the display rate [claims 54, 55] with block 232, at figure 15, and column 20, lines 63-66.

As to claim 56, Richards teaches a comparison with expected data, at column 13, lines 1-9.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Corby Jr et al (U.S. patent 5,515,301) describe a real-time visualization system.

Schwuttke et al (U.S. patent 6,222,547) teach data monitoring and analysis in 3-D space.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crescille N dela Torre whose telephone number is (703) 305-9782. The examiner can normally be reached on Monday-Thursday, from 8am-4pm, and on alternate Fridays, from 8am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9051 for regular communications and (703) 305-9051 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

C. dela Torre
CRESCELLE N. DELA TORRE
PRIMARY EXAMINER
8/24/01